

Appl. No. 10/080,862

REMARKS

Claims 1-12 are pending in this application. Claim 1 has been amended to more clearly define the invention as a gasoline fuel composition free of ethanol. Claims 7 and 12 have been cancelled. Support for the claim amendment may be found at on page 7, lines 7-11 of the Specification and in Table 1 (the present fuels may also include various oxygenates, such as ethanol, but do not have to). No new matter has been added.

1. Rejection under 35 U.S.C. §103

The Examiner has rejected claims 1-12 as being unpatentable under 35 U.S.C. §103(a) over Scott et al. in view of Trotta et al. and WO 01/60955 A1. All of these references were previously cited in the last Office Action. The Examiner argues that it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a dimer of isobutene as taught by Trotta and WO 01/60955 to a fuel composition as taught by Scott in order to improve the anti-foam and/or octane properties of the fuel composition. Applicant respectfully traverses the rejection.

As noted above, the present claims have been amended to define the inventive gasoline fuel composition over the prior art. The present composition is now defined as one which is free of ethanol. A gasoline composition of this type having the various properties recited in the present claims is not disclosed or suggested by the combination of cited prior art. The Trotta reference is directed to gasoline compositions containing ethanol. By contrast, the present invention requires the total olefin content to be fixed while also placing an upper limit on the amount of light olefins and a lower limit on the isooctenes. As a result, there is no need to

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employ ethanol or any other oxygenates, as indicated by the examples in Table 1 on page 9 of the Specification. As noted in the Trotta reference, low emissions are achieved through the use of isoolefins. MTBE is replaced with a combination of ethanol and an oligomer of isobutene and it is noted that "it has now been surprisingly found that the use of high-octane hydrocarbon components deriving from the selective oligomerization of isobutene, has a synergic effect with that of some low-boiling and high-octane components, such as for example, ethanol, and enables all the problems described above to be overcome." (see col. 6, lines 47-52 of Trotta). Applicant would point out that no synergic effect is needed in the present invention. Rather, by completely excluding ethanol and by restricting the amount of lower olefins while allowing a specific total amount of olefins, the present inventors have been able to obtain a new kind of gasoline formulation which when tested in real vehicles (i.e. under real-life conditions), as opposed to the laboratory bottles of Trotta, have been shown to have very low emissions as illustrated in the examples of the present application (Cf. the figures).

The inventive gasoline fuel composition as defined by the amended claims is in no way disclosed or suggested by the cited prior art references, either singly or in combination. The cited prior art references simply fail to teach each and every limitation of the claimed invention. As discussed above, the present invention is distinguishable over the Trotta reference as it excludes ethanol from the composition. The claims are similarly distinguishable over the Scott reference which is directed to a method of blending unleaded gasoline containing ethanol. The deficiencies of Trotta and Scott are not remedied by WO 01/60955. For the foregoing reasons, the obviousness rejection must fall and reconsideration and removal of the rejection is respectfully requested.

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2. Claim Objection

The Examiner has objected to claim 10 under 37 C.F.R. 1.75 (c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant notes that claim 10 does further limit claim 1 in that it defines the boiling point of the heavy branched olefins. As such, Applicant believes that claim 10 represents a proper dependent claim and asks for reconsideration and removal of the claim objection.

Favorable consideration and early allowance of all the claims is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a two (2) month extension of time for filing a reply in connection with the present application, and the required fee of \$430.00 is to be charged to Deposit Account No. 02-2448.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Valpura Kelly #46,183
Leonard R. Svensson, #30,330

P.O. Box 747
Falls Church, VA 22040-0747
(714) 708-8555

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